

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PAUL PHILLIPS, et. al.,

Plaintiffs, **NOTICE OF MOTION**

-against-

THE CITY OF NEW YORK, et. al.,

21 CV 8149 (ALC)(SLC)

Defendants.

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PLEASE TAKE NOTICE that that upon the Declaration of Mark D. Zuckerman, dated December 22, 2023, and the exhibits annexed thereto; defendants' Memorandum of Law, dated December 22, 2023; and upon all prior pleadings and proceedings had herein, defendants City of New York, Michael Prilook, Gabriel Montalvo, Edward Horton, Dr. Aung Oo, Dr. David Rosenberg, Dr. Jasdeep Mangat, Terra Hailand, Krystalbella Murnane-Victorelli, Roman Maslovskiy, Christopher Johnson, Mireille Zamy and Terry Gravesande, will move this Court, before the Hon. Andrew L. Carter, Jr., United States District Judge, at the United States Courthouse for the Southern District of New York, located at 500 Pearl St., New York, New York 10007, at a date and time to be determined, pursuant to Rule 12(b)(1), Fed. R. Civ. P. for the dismissal for lack of subject matter jurisdiction; pursuant to Rule 12(b)(6), Fed. R. Civ. P. for the dismissal for failure to state a claim, of all of plaintiffs' claims with prejudice; and pursuant to Rule 12(f), Fed. R. Civ. P. for the striking of plaintiffs' class allegations; and for such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE, that, plaintiffs are to serve their opposition papers on the undersigned on or before January 5, 2024; and

PLEASE TAKE FURTHER NOTICE that the moving defendants are to serve their reply papers on or before January 12, 2024.

Dated: New York, New York
December 22, 2023

HON. SYLVIA O. HINDS-RADIX
Corporation Counsel of the
City of New York
Attorney for Defendants City of New York,
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By: /s/ Mark D. Zuckerman
Mark D. Zuckerman
Senior Counsel